

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Robert Thomas

v.

Case No. 23-cv-224-SE-AJ

FCI Berlin, Warden

ORDER

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 28, 2024. For the reasons explained therein, this action is dismissed in its entirety. While Mr. Thomas is correct that other courts have previously recognized causes of action under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcs., 403 U.S. 388 (1971) for extending incarceration beyond the correct release date (which did not happen here), such an action is no longer available due to more recent United States Supreme Court decisions. See Egbert v. Boule, 596 U.S. 482 (2022). The Clerk of Court is directed to enter judgment and close this case.

A handwritten signature in blue ink, appearing to read 'SD Elliott', is written over a horizontal line.

Samantha D. Elliott
United States District Judge

Date: July 26, 2024

cc: Robert Thomas, pro se